

Volume 3

**LOUISIANA'S
COASTAL NONPOINT POLLUTION CONTROL
PROGRAM**

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation and coordination with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

Louisiana's Coastal Nonpoint Pollution Control Program

VOLUME 3
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SECTION A

SUMMARY OF EXISTING LOUISIANA STATUTES AND REGULATIONS

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LOUISIANA STATUTES

LOUISIANA NATURAL AND SCENIC RIVERS SYSTEM

LA R.S. 56: 1841-1856

PURPOSE: To preserve, protect, develop, reclaim, and enhance the wilderness qualities, scenic beauties, and ecological regime of certain free flowing streams. This law protects the scenic rivers and prohibits the activities of channelization, clearing and snagging, channel realignment and reservoir construction of the rivers and streams included in the system, including the riparian areas along such streams.

AUTHORITY: Louisiana Department of Wildlife and Fisheries (LDWF)

ENFORCEMENT: Enforced by LDWF with violations punishable by fines (Louisiana class 6 violation).

LOUISIANA SOIL CONSERVATION LAW

LA. R.S. 3: 1201-1255

PURPOSE: To promote proper land use practices particularly in regard to agriculture

AUTHORITY: State Soil and Water Conservation Committee and the district supervisors

ENFORCEMENT: There is not a source of enforceable regulations at this time. The committee could use the existing authority to enact enforceable land use regulations and establish prohibited activities.

LOUISIANA FERTILIZER LAW

LA R.S. 3: 1311-1373

PURPOSE: To maintain content standards and set restrictions on the sale of fertilizer within the state. This law requires the registration of anyone who manufactures or sells fertilizer and the proper labeling of the fertilizer including weight and ingredient percentages. This law also sets minimum percentage levels by weight of elemental ingredients.

AUTHORITY: Louisiana Fertilizer Commission (LFC)

ENFORCEMENT: Regulates the manufacturing and sale of fertilizer with enforcement by the LFC which allows the sale or destruction of fertilizer not within the requirements of the law. The application of fertilizer is unregulated by enforceable policies of this law, but the LFC powers could be amended to include application.

LOUISIANA LITTER CONTROL AND RECYCLING COMMISSION

LA R.S. 25: 1101-1120

PURPOSE: To control and reduce litter, and create and coordinate separation and recycling programs. The Louisiana Litter Control and Recycling Commission is responsible for public education, coordination between agencies and local governments, voluntary campaigns, abatement programs, awarding of grants, plan development, and enforcement of laws regarding litter control and recycling efforts.

AUTHORITY: The Louisiana Litter Control and Recycling Commission within the Louisiana Department of Culture, Recreation, and Tourism (LDCRT)

ENFORCEMENT: Enforced by the LDCRT with fines and/or imprisonment for littering from motor vehicles OR water craft on roads and beaches.

LOUISIANA PESTICIDE LAW

LA R.S. 3: 3201-3377

PURPOSE: A comprehensive law covering: the use of pesticides; the formulation of rules and regulations; regulation of pesticide manufacture, sale, and distribution; application: establishment of pesticide waste plan and; restriction of use of pesticides. The application of pesticides is addressed in the areas of pesticide waste and water pollution which allows the commissioner of agriculture to take mitigation actions when the pesticide concentration in any area is a threat to humans or the environment.

AUTHORITY: Louisiana Department of Agriculture (LDA)

ENFORCEMENT: The sale, counseling, and application is restricted through a competency examination. The statewide pesticide waste plan delegates authority to the commissioner of agriculture to take mitigation actions in the case of threat to human health or the environment in the form of limiting or prohibiting application in effected areas.

LOUISIANA HAZARDOUS WASTE CONTROL LAW

LA R.S. 30: 2171-2207

PURPOSE: The Hazardous Waste Control Law regulates hazardous substances and mandates strict compliance with the standards set for the generation, storage, transportation, and disposal of such waste. The law sets a framework for the regulation,

monitoring, and control of the above factors and authorizes the development, implementation, and enforcement of the program. Disposal includes discharge onto land or into waters of the state, including groundwater.

AUTHORITY: The Hazardous Waste Advisory Board within the Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: Violations of regulations are subject to fines and/or imprisonment as set forth in the law to cover pollution of lands and waters.

LOUISIANA SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY LAW

LA R.S. 30: 2151-2161

PURPOSE: A law designed to develop a solid waste management plan to encourage the maximum use of resource recovery procedures, to regulate pollution caused by solid waste disposal practices. including the transportation, processing, and resource recovery. The location, construction, operation, and maintenance of solid waste disposal facilities is regulated. The law adopts and promulgates rules, regulations, and standards for the processing, resource recovery, and use for agricultural, silvicultural, and horticultural solid wastes and sewage sludges.

AUTHORITY: Office of Solid and Hazardous Waste of the Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: No enforceable regulations are set forth in this law, but the law directs the secretary of LDEQ to prepare of rules and regulations to carry out the purpose and intent of the law.

LOUISIANA COASTAL WETLANDS CONSERVATION AND RESTORATION PROGRAM

LA R.S. 49: 214.1-214.5

PURPOSE: To develop and implement a comprehensive program for the conservation and restoration of coastal vegetated wetlands.

AUTHORITY: Louisiana Department of Natural Resources (LDNR)

ENFORCEMENT: No enforceable policies exist within this program, only the program to carry out the conservation and restoration projects.

LOUISIANA STATE AND LOCAL COASTAL RESOURCES MANAGEMENT ACT

LA R.S. 49: 213.1-214.41

PURPOSE: To protect, develop, and where feasible, restore or enhance the resources of the state's coastal zone. This includes the development and implementation of the coastal resources management program to enable Louisiana to determine the future course of development and conservation of the coastal zone. The law also expresses regulatory and non-regulatory policies for the management of the coastal zone and its resources. This includes the review and issuance of coastal use permits by the LDNR.

AUTHORITY: Louisiana Department of Natural Resources

ENFORCEMENT: Monitoring with enforcement of damage assessment, fines, and/or imprisonment.

LOUISIANA WATER CONTROL LAW

LA R.S. 30: 2071-2088

PURPOSE: To insure the protection and maintenance of the state's waters by adopting a system to control and regulate the discharge of waste materials, pollutants, and other substances into the waters of the state. The wastes include that from water vessels and waste from oil production activities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: The LDEQ is required to issue permits, and adopt rules and regulations to enforce the law, but the law itself does not provide any enforcement procedures.

OIL SPILL PREVENTION AND RESPONSE ACT

LA R.S. 30: 4271-4296

PURPOSE: To protect the state's environment from oil spills or releases, and by doing so protect the public health, environment, wildlife, aquatic life, and the economy of the state. The below authority shall set standards, procedures, and requirements for state oil spill contingency plans and oil spill response and cleanup.

AUTHORITY: Office of the Louisiana Oil Spill Coordinator

ENFORCEMENT: Any party including terminal facilities, vessels, or other facility is

liable for costs of damages as well as liability to recover penalties for the value of fish and/or wildlife injured or killed. Terminal Facilities must obtain a discharge prevention and response certificate.

STATE DIVISION OF HEALTH

LA R.S. 40: 1-5.10

PURPOSE: To execute the sanitary laws of the state and abate menace to the public health. This includes protection of the public health against disease or infection from infectious waste, improper disposal of sewage, and unsanitary water for drinking or recreation. The pollution of streams or rivers from such wastes is particularly prohibited.

AUTHORITY: State Health Officer, Office of Public Health, Louisiana Department of Health and Hospitals (LDHH)

ENFORCEMENT: The state health officer has the authority to suspend or revoke health permits, impose fines for violation of any of the sanitary code violations.

FORESTS AND FORESTRY, PROTECTION AND REFORESTATION

LA R.S. 3: 4271-4296

PURPOSE: To protect, conserve, and replenish the forests of the state and to promote the growing of suitable and useful timber trees within the state.

AUTHORITY: The Louisiana Forestry Commission

ENFORCEMENT: No enforceable regulations are contained within this law except for some fire prevention, and gathering of certain fruits.

GARAGES AND OIL STATIONS**LA R.S. 32: 531-532**

PURPOSE: To restrict the location of garages and oil stations within 300 feet of bridges over waterways within the state.

AUTHORITY: Given to town councils or parish governing bodies.

ENFORCEMENT: Enforceable only by local governments

MOTOR BOATS AND VESSELS - RESTRICTED AREAS AND PENALTIES**LA R.S. 34: 851.14 and LA R.S. 34: 851.31**

PURPOSE: To set restricted areas for the operation of motor boats and vessels to those areas marked as such.

AUTHORITY: State and local enforcement agencies

ENFORCEMENT: Enforceable by fines and or imprisonment

DAMS AND RELATED MATTERS - RULES AND REGULATIONS**LA R.S. 38: 24**

PURPOSE: To establish standards, rules, and regulations for the construction, operation, modification, and maintenance of dams on waterbodies within the state except for those

which are used for impoundment of liquid substances or hazardous waste, which is permitted by the Louisiana Department of Natural resources.

AUTHORITY: Office of Public Works, Louisiana Department of Transportation and Development (LDOTD)

ENFORCEMENT: Enforceable by permit and/or inspection only

DEPARTMENT OF PUBLIC WORKS - COORDINATION WITH WILDLIFE AND FISHERIES COMMISSION

LA R.S. 38: 18

PURPOSE: To ensure protection of wetlands and wildlife habitats.

AUTHORITY: Department of Public Works and the Louisiana Wildlife and Fisheries Commission

ENFORCEMENT: No enforcement policy, Requirement of conference between departments only

DEPARTMENT OF PUBLIC WORKS - FUNCTIONS OF DEPARTMENT

LA R.S. 38: 2

PURPOSE: To define the functions of the office of public works which shall comprise the administration functions relating to planning, design, construction, and maintenance of buildings, levees, dams, locks, spillways, drainage systems, navigation projects, flood control, river improvement projects, and other such projects.

AUTHORITY: Office of Public Works

ENFORCEMENT: Limited to required feasibility studies and required determination of necessity of project

FISH LADDERS

LA R.S. 56: 315.1

PURPOSE: To provide for the establishment of fish ladders on lakes where needed.

AUTHORITY: Louisiana Conservation Commission

ENFORCEMENT: Only establishes authority to construct fish ladders where needed

LOUISIANA REGULATIONS

LAC TITLE 7, AGRICULTURAL AND ANIMALS, PART XI, FERTILIZERS, CHAPTER 79 REGULATIONS FOR THE SALE OF FERTILIZERS

PURPOSE: To set requirements for the registration of manufacturing and/or sale, labeling, sampling, and chemical analysis of fertilizers within the state.

AUTHORITY: Fertilizer Commission and Commissioner of Agriculture

ENFORCEMENT: Cancellation of Registration and/or levying of fines

LAC TITLE 7, AGRICULTURAL AND ANIMALS, PART XXIII, PESTICIDE, CHAPTER 131, LOUISIANA ADVISORY COMMISSION ON PESTICIDES

PURPOSE: To set the rules and regulations on the registration of manufacturing, shipment, sale, ingredients, labeling, and certification for application of pesticides. This includes uses for agricultural, forestry, nurseries, public health, industrial, and aquatic pest control.

Particular emphasis is on protection of waters.

AUTHORITY: Louisiana Advisory Commission On Pesticides and the Commissioner of Agriculture, Department of Agriculture and Forestry

ENFORCEMENT: Certification and licensing, with cancellation of certifications and fines by the commissioner.

LAC TITLE 7, AGRICULTURAL AND ANIMALS, PART XXV, STRUCTURAL PEST CONTROL, CHAPTER 141, STRUCTURAL PEST CONTROL COMMISSION

PURPOSE: To set the rules and regulations for permitting, certification, licensing, and application of structural pest controls.

AUTHORITY: Structural Pest Control Commission And The Commissioner Of Agriculture

ENFORCEMENT: Cancellation of certification and license

LAC TITLE 43, NATURAL RESOURCES, PART I, OFFICE OF THE SECRETARY, CHAPTER 7, COASTAL MANAGEMENT

PURPOSE: To set guidelines for the management of coastal areas in regard to levees, dredged spoil deposition, shoreline modification, surface alterations, hydrologic and sediment transport modification, waste disposal, alteration of waters draining into coastal areas, and oil and gas activity. The regulations also set rules and procedures for coastal use permits as well as activities exempt from permit requirement which includes agricultural, forestry, and aquaculture activities in areas that have been consistently used in the past for such uses.

AUTHORITY: Department of Natural Resources

ENFORCEMENT: Revocation of permits, cease and desist order, and civil and criminal relief provided by Sec. 214.36 of the State of Louisiana Coastal resource Management Act (SLCRMA) .

**LAC TITLE 48, PUBLIC HEALTH-GENERAL, PART V, PREVENTIVE
HEALTH SERVICES, CHAPTER 75, SEWAGE PROGRAM**

PURPOSE: To set regulations for sewage treatment, sanitary sewage disposal, and other water and wastewater matters for the safeguard of public health. The responsibilities covered include plan review, permitting, inspection, sampling, monitoring, and testing of facilities to insure code compliance and to conduct related enforcement.

AUTHORITY: Office of Preventive and Public Health Services (OPPHS) of the Department of Health and Human Resources (DHHR).

ENFORCEMENT: Enforceable under R.S. 40: 1-5.10

SANITARY CODE, STATE OF LOUISIANA

PURPOSE: To set regulations for the planning, design, construction, modification, record keeping, installation and connection of sewage facilities and/or treatment plants. This includes regulations as to the quality and final discharge of effluent. Particularly prohibited is the discharge of untreated waste directly or indirectly into any ditch, water course, body of water, or onto the ground. This includes the limitation of the location of sewage facilities at least 50 feet from a potable water supply source. Vessels or boats which are permanently moored can not discharge untreated waste, and if not moored are required to employ proper Coast Guard approved marine sanitation devices.

AUTHORITY: State Health Officer, Louisiana Department of Health and Hospitals

ENFORCEMENT: The review of plans, issuance of permits and licenses with violations subject to revocation of such permits and/or licenses.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 1, GENERAL PROVISIONS

PURPOSE: To set regulations and procedures for permitting, enforcement, monitoring and surveillance, and spill control activities the Louisiana Water Pollution Control Division.

AUTHORITY: Louisiana Water Pollution Control Division, Office of Water Resources, Louisiana Department of Environmental Quality.

ENFORCEMENT: Enforced under individual chapters as stated below.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 3, WATER QUALITY PERMITS

PURPOSE: To prescribe the procedures and guidelines for implementation and operation of the Louisiana Water Discharge Permit System (LWDPS). This includes the prohibiting of discharges of sewage waste or any physical, chemical, or biological pollutants into any water body of the state. This includes leachate or runoff to surface waters from facilities under jurisdiction of solid or hazardous waste laws.

Permits are required for other facilities including animal feeding operations, aquacultural activities, silvicultural point sources, and commercial dredging. Certain activities are exempt from the permit requirement. These include human sewage from vessels with inboard toilet facilities, disposal of water derived from oil and gas production, any introduction of pollutants from nonpoint sources resulting from normal agricultural and silvicultural activities. Effluent limitations and standards are established for permitted activities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: Enforceable by revocation or termination of permit(s), with provisions for monitoring and sample collection.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 9, WATER QUALITY SPILL PREVENTION AND CONTROL

PURPOSE: To establish requirements for contingency planning, and implementation of operating procedures and best management practices to prevent and control the discharge of pollutants resulting from spill events. This includes oil and other substances listed as hazardous. This regulation requires the preparation and submittal of the contingency plan by the operators of facilities as outlined in this chapter.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: No enforcement policy is set forth in this section, other than requirement of a plan.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 11, WATER QUALITY STANDARDS

PURPOSE: To establish water quality standards that provide for protection the waters, public health, and serve the objectives of the Louisiana Water Control Law and the Federal Clean Water Act. These standards consist of stated policies, designated uses,

limitations of parameters, criteria for toxic substances, effluent limitations for point source discharges. These standards can form the basis for implementing the best management practices for control of nonpoint sources of water pollution.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Subject to the enforcement procedures of the state (LA R.S. 30:2025)

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 15, WATER QUALITY CERTIFICATION PROCEDURES

PURPOSE: To establish the procedures for water quality certification including application requirements, fees, And land management plan requirements.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Denial of permit only.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART I, OFFICE OF THE SECRETARY, SUBPART 2, NOTIFICATION REGULATIONS, CHAPTER 39, NOTIFICATION REGULATIONS AND PROCEDURES FOR UNAUTHORIZED DISCHARGES

PURPOSE: To provide a uniform notification and reporting procedure for unauthorized

discharges and enable emergency response to such discharges. This section lists requirements for determination and use of reportable quantities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Enforceable under the Louisiana Environmental Quality Act (LA R.S. 30: 2001)

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART V, HAZARDOUS WASTE AND HAZARDOUS MATERIAL, CHAPTER 11, GENERATORS

PURPOSE: To establish the applicability of the section and set hazardous waste determination standards. In addition the establishment of standards for manifest, pre-transport, and transport requirements, are established.

AUTHORITY: Office of Solid and Hazardous Waste, Louisiana Department of Environmental Quality

ENFORCEMENT: Enforceable by ability to prohibit transport.

SECTION B

PUBLIC NOTICES

LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

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SECTION C

PROCESS FOR FORMULATION OF MEMORANDA OF UNDERSTANDING (MOUS) AND MEMORANDA OF AGREEMENT (MOAS) BETWEEN THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, COASTAL MANAGEMENT DIVISION, AND OTHER STATE AND FEDERAL AGENCIES

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PROCESS FOR FORMULATION OF MEMORANDA OF UNDERSTANDING (MOU) AND MEMORANDA OF AGREEMENT (MOA) BETWEEN LOUISIANA DEPARTMENT OF NATURAL RESOURCES, COASTAL MANAGEMENT DIVISION (CMD) AND OTHER STATE AGENCIES

The Louisiana Department of Natural Resources, Coastal Management Division (CMD) intends to develop memoranda of understanding (MOU) or agreement (MOA) between state and federal agencies which have regulatory and/or enforcement policies regarding the Louisiana Coastal Nonpoint Pollution Control Program (CNPCP). These memoranda will recognize the authorities and/or duties of each agency in regard to the enforcement and monitoring, as determined under existing Louisiana statutes and regulations. It is not the intention of the LDNR/CMD to usurp any agencies authorities or duties, nor is it the intention of the LDNR/CMD to ask for any major new tasks to be performed by any agency. To the maximum extent possible the CNPCP will utilize existing authorities, monitoring schemes, and existing data sets/forms and procedures. To the minimal extent that new expenditures may be required, the state expects the federal agencies requiring the program to supply the funds necessary to carry out the mandate. The CMD will coordinate the development of the MOUs/MOAs with the various agencies. These memoranda are being conceptualized and will be completed as soon as possible.

The Louisiana statutes and regulations pertaining to the authority of state agencies in the Louisiana CNPCP are on the following pages. The proposed Memoranda will allow the listed agencies to use their authority under these Louisiana statutes and regulations, as listed under each agency, to aid in implementation of the Louisiana Coastal Nonpoint Pollution Control Program. A summary of the statute(s) or regulation(s) applicable to each state agency is presented. The LDNR/CMD will need to assemble further information on the limits of agency mandates and responsibilities. The proposed "bad actor" legislation is intended only to fill any gaps in needed enforcement policies in order to fully implement the Louisiana CNPCP.

The following list of statutes and regulations may not be an all inclusive list of applicable Louisiana regulations.

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY

Louisiana Pesticide Law

LA R.S. 3: 3201-3377

PURPOSE: A comprehensive law covering: the use of pesticides; the formulation of rules and regulations; regulation of pesticide manufacture, sale, and distribution; application: establishment of pesticide waste plan and; restriction of use of pesticides. The application of pesticides is addressed in the areas of pesticide waste and water pollution which allows the commissioner of agriculture to take mitigation actions when the pesticide concentration in any area is a threat to humans or the environment.

AUTHORITY: Louisiana Department of Agriculture (LDA)

ENFORCEMENT: The sale, counseling, and application is restricted through a competency examination. The statewide pesticide waste plan delegates authority to the commissioner of agriculture to take mitigation actions in the case of threat to human health or the environment in the form of limiting or prohibiting application in effected areas.

Forests And Forestry, Protection And Reforestation

LA R.S. 3: 4271-4296

PURPOSE: To protect, conserve, and replenish the forests of the state and to promote the growing of suitable and useful timber trees within the state.

AUTHORITY: The Louisiana Forestry Commission

ENFORCEMENT: No enforceable regulations are contained within this law except for some fire prevention, and gathering of certain fruits.

**LAC Title 7, Agricultural And Animals, Part XI, Fertilizers, Chapter 79
Regulations For The Sale Of Fertilizers**

PURPOSE: To set requirements for the registration of manufacturing and/or sale, labeling, sampling, and chemical analysis of fertilizers within the state.

AUTHORITY: Fertilizer Commission and Commissioner of Agriculture

ENFORCEMENT: Cancellation of Registration and/or levying of fines

**LAC Title 7, Agricultural And Animals, Part XXIII, Pesticide, Chapter 131, Louisiana
Advisory Commission On Pesticides**

PURPOSE: To set the rules and regulations on the registration of manufacturing, shipment, sale, ingredients, labeling, and certification for application of pesticides. This includes uses for agricultural, forestry, nurseries, public health, industrial, and aquatic pest control.

Particular emphasis is on protection of waters.

AUTHORITY: Louisiana Advisory Commission On Pesticides and the Commissioner of Agriculture, Department of Agriculture and Forestry

ENFORCEMENT: Certification and licensing, with cancellation of certifications and fines by the commissioner.

LAC Title 7, Agricultural And Animals, Part XXV, Structural Pest Control, Chapter 141, Structural Pest Control Commission

PURPOSE: To set the rules and regulations for permitting, certification, licensing, and application of structural pest controls.

AUTHORITY: Structural Pest Control Commission And The Commissioner Of Agriculture

ENFORCEMENT: Cancellation of certification and license

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Louisiana Hazardous Waste Control Law

LA R.S. 30: 2171-2207

PURPOSE: The Hazardous Waste Control Law regulates hazardous substances and mandates strict compliance with the standards set for the generation, storage, transportation, and disposal of such waste. The law sets a framework for the regulation, monitoring, and control of the above factors and authorizes the development, implementation, and enforcement of the program. Disposal includes discharge onto land or into waters of the state, including groundwater.

AUTHORITY: The Hazardous Waste Advisory Board within the Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: Violations of regulations are subject to fines and/or imprisonment as set forth in the law to cover pollution of lands and waters.

Louisiana Solid Waste Management And Resource Recovery Law

LA R.S. 30: 2151-2161

PURPOSE: A law designed to develop a solid waste management plan to encourage the maximum use of resource recovery procedures, to regulate pollution caused by solid waste disposal practices, including the transportation, processing, and resource recovery. The location, construction, operation, and maintenance of solid waste disposal facilities is regulated. The law also adopts and promulgates rules, regulations, and standards for the processing, resource recovery, and use for agricultural, silvicultural, and horticultural solid wastes and sewage sludges.

AUTHORITY: Office of Solid and Hazardous Waste of the Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: No enforceable regulations are set forth in this law, but the law directs the secretary of LDEQ to prepare of rules and regulations to carry out the purpose and intent of the law.

Louisiana Water Control Law

LA R.S. 30: 2071-2088

PURPOSE: To insure the protection and maintenance of the state's waters by adopting a system to control and regulate the discharge of waste materials, pollutants, and other substances into the waters of the state. The wastes include that from water vessels and waste from oil production activities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: The LDEQ is required to issue permits, and adopt rules and regulations to enforce the law, but the law itself does not provide any enforcement procedures.

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 1, General Provisions

PURPOSE: To set regulations and procedures for permitting, enforcement, monitoring and surveillance, and spill control activities the Louisiana Water Pollution Control Division.

AUTHORITY: Louisiana Water Pollution Control Division, Office of Water Resources, Louisiana Department of Environmental Quality.

ENFORCEMENT: Enforced under individual chapters as stated below.

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 3, Water Quality Permits

PURPOSE: To prescribe the procedures and guidelines for implementation and operation of the Louisiana Water Discharge Permit System (LWDPS). This includes the prohibiting of discharges of sewage waste or any physical, chemical, or biological pollutants into any water body of the state. This includes leachate or runoff to surface waters from facilities under jurisdiction of solid or hazardous waste laws.

Permits are required for other facilities including animal feeding operations, aquacultural activities, silvicultural point sources, and commercial dredging. Certain activities are exempt from the permit requirement. These include human sewage from vessels with inboard toilet facilities, disposal of water derived from oil and gas production, any introduction of pollutants from nonpoint sources resulting from normal agricultural and silvicultural activities. Effluent limitations and standards are established for permitted activities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: Enforceable by revocation or termination of permit(s), with provisions for monitoring and sample collection.

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 9, Water Quality Spill Prevention And Control

PURPOSE: To establish requirements for contingency planning, and implementation of operating procedures and best management practices to prevent and control the discharge of pollutants resulting from spill events. This includes oil and other substances listed as hazardous. This regulation requires the preparation and submittal of the contingency plan by the operators of facilities as outlined in this chapter.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: No enforcement policy is set forth in this section, other than requirement of a plan.

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 11, Water Quality Standards

PURPOSE: To establish water quality standards that provide for protection the waters, public health, and serve the objectives of the Louisiana Water Control Law and the Federal Clean Water Act. These standards consist of stated policies, designated uses, limitations of parameters, criteria for toxic substances, effluent limitations for point source discharges. These standards can form the basis for implementing the best management practices for control of nonpoint sources of water pollution.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Subject to the enforcement procedures of the state, LA R.S. 30:2025

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 15, Water Quality Certification Procedures

PURPOSE: To establish the procedures for water quality certification including application requirements, fees, And land management plan requirements.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Denial of permit only.

LAC Title 33, Environmental Quality, Part I, Office Of The Secretary, Subpart 2, Notification Regulations, Chapter 39, Notification Regulations And Procedures For Unauthorized Discharges

PURPOSE: To provide a uniform notification and reporting procedure for unauthorized discharges and enable emergency response to such discharges. This section lists requirements for determination and use of reportable quantities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Enforceable under the Louisiana Environmental Quality Act (LA R.S. 30: 2001)

LAC Title 33, Environmental Quality, Part V, Hazardous Waste And Hazardous Material, Chapter 11, Generators

PURPOSE: To establish the applicability of the section and set hazardous waste determination standards. In addition the establishment of standards for manifest, pre-transport, and transport requirements, are established.

AUTHORITY: Office of Solid and Hazardous Waste, Louisiana Department of Environmental Quality

ENFORCEMENT: Enforceable by ability to prohibit transport.

LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS

State Division Of Health

LA R.S. 40: 1-5.10

PURPOSE: To execute the sanitary laws of the state and abate menace to the public health. This includes protection of the public health against disease or infection from infectious waste, improper disposal of sewage, and unsanitary water for drinking or recreation. The pollution of streams or rivers from such wastes is particularly prohibited.

AUTHORITY: State Health Officer, Office of Public Health, Louisiana Department of Health and Hospitals (LDHH)

ENFORCEMENT: The state health officer has the authority to suspend or revoke health permits, impose fines for violation of any of the sanitary code violations.

LAC Title 48, Public Health-General, Part V, Preventive Health Services, Chapter 75, Sewage Program

PURPOSE: To set regulations for sewage treatment, sanitary sewage disposal, and other water and wastewater matters for the safeguard of public health. The responsibilities covered include plan review, permitting, inspection, sampling, monitoring, and testing of facilities to insure code compliance and to conduct related enforcement.

AUTHORITY: Office of Preventive and Public Health Services (OPPHS) of the Department of Health and Human Resources (DHHR).

ENFORCEMENT: Enforceable under R.S. 40: 1-5.10

Sanitary Code, State Of Louisiana

PURPOSE: To set regulations for the planning, design, construction, modification, record keeping, installation and connection of sewage facilities and/or treatment plants. This includes regulations as to the quality and final discharge of effluent. Particularly prohibited is the discharge of untreated waste directly or indirectly into any ditch, water course, body of water, or onto the ground. This includes the limitation of the location of sewage facilities at least 50 feet from a potable water supply source. Vessels or boats which are permanently moored can not discharge untreated waste, and if not moored are required to employ proper Coast Guard approved marine sanitation devices.

AUTHORITY: Sate Health Officer, Louisiana Department of Health and Hospitals

ENFORCEMENT: The review of plans, issuance of permits and licenses with violations subject to revocation of such permits and/or licenses.

LOUISIANA DEPARTMENT OF CULTURE, RECREATION, AND TOURISM

Louisiana Litter Control And Recycling Commission

LA R.S. 25: 1101-1120

PURPOSE: To control and reduce litter, and create and coordinate separation and recycling programs. The Louisiana Litter Control and Recycling Commission is responsible for public education, coordination between agencies and local governments, voluntary campaigns, abatement programs, awarding of grants, plan development, and enforcement of laws regarding litter control and recycling efforts.

AUTHORITY: The Louisiana Litter Control and Recycling Commission within the Louisiana Department of Culture, Recreation, and Tourism (LDCRT)

ENFORCEMENT: Enforced by the LDCRT with fines and/or imprisonment for littering from motor vehicles OR water craft on roads and beaches.

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Dams And Related Matters - Rules And Regulations

LA R.S. 38: 24

PURPOSE: To establish standards, rules, and regulations for the construction, operation, modification, and maintenance of dams on waterbodies within the state except for those which are used for impoundment of liquid substances or hazardous waste, which is permitted by the Louisiana Department of Natural resources.

AUTHORITY: Office of Public Works, Louisiana Department of Transportation and Development (LDTD)

ENFORCEMENT: Enforceable by permit and/or inspection only

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

Louisiana Natural And Scenic Rivers System

LA R.S. 56: 1841-1856

PURPOSE: To preserve, protect, develop, reclaim, and enhance the wilderness qualities, scenic beauties, and ecological regime of certain free flowing streams. This law protects the scenic rivers and prohibits the activities of channelization, clearing and snagging, channel realignment and reservoir construction of the rivers and streams included in the system, including the riparian areas along such streams.

AUTHORITY: Louisiana Department of Wildlife and Fisheries (LDWF)

ENFORCEMENT: Enforced by LDWF with violations punishable by fines (Louisiana class 6 violation)

LOUISIANA COOPERATIVE EXTENSION SERVICE

No specific statues or regulations

**LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF
CONSERVATION**

No specific statues or regulations

In addition the following federal agencies and/or programs will have memoranda developed within the same time period.

The Barataria-Terrebonne National Estuary Program

U.S. Department of Agriculture, Consolidated Farm Services Agency

U.S. Department of Commerce, National Marine Fisheries Service

U.S. Army Corps of Engineers, New Orleans District

U.S. Army Corps of Engineers, Galveston District

U.S. Army Corps of Engineers, Vicksburg District

U.S. Department of Transportation, Federal Aviation Administration

U.S. Department of Transportation, Federal Highway Administration

U.S. Department of Interior, Fish and Wildlife Service

SECTION D

LIST OF AGENCIES/PERSONS RECEIVING THE PROGRAM DOCUMENT

LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation and coordination with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

Assumption Parish Library
Attn: Ms. Mary N. Judice
293 Napoleon Avenue
Napoleonville, LA 70390-0786

Calcasieu Parish-Public Library
Attn: Mrs. Lynda Lee Carlberg
327 Broad Street
(Administrative Offices)
Lake Charles, LA 70601

Cameron Parish Library
Attn: Ms. Janelle Greenhow
P. O. Box P
Marshall Street
Cameron, LA 70631-2016

Iberia Parish Library
Attn: Mrs. Carla Hostetter
445 East Main Street
New Iberia, LA 70560-3710

Jefferson Parish Library
Attn: Mr. David M. Woodburn
P. O. Box 7490
Metairie, LA 70010-7490

Lafourche Parish Library
Attn: Ms. Kathleen Kilgen
(Administrative Offices)
303 West 5th Street
Thibodaux, LA 70301-3123

Livingston Parish Library
Attn: Mr. Allen Cunningham
P. O. Drawer 397
20180 Iowa Street, Courthouse Bldg.
Livingston, LA 70754-0397

New Orleans Public Library
(Orleans Parish)
Attn: Mr. C. Daniel Wilson, Jr.
219 Loyola Avenue
New Orleans, LA 70140-1016

Plaquemines Parish Library
Attn: Mrs. Janet Cantwell
203 Louisiana Highway 11, South
Buras, LA 70041-1625

St. Bernard Parish Library
Attn: Ms. Ethel Llamas
1125 East St. Bernard Highway
Chalmette, LA 70043-5498

St. Charles Parish Library
Attn: Mr. Garland Strother
P. O. Box 949
105 Lakewood Drive
Luling, LA 70070-0975

St. James Parish Library
Attn: Mrs. Julie Champagne
1879 West Main Street
Lutcher, LA 70071-9704

St. John The Baptist Parish Library
Attn: Mr. Randy DeSoto
1334 West Airline Highway
Laplace, LA 70068-3797

St. Martin Parish Library
Attn: Ms. Donna Soto
P. O. Box 79
201 Porter Street
St. Martinville, LA 70582-0079

St. Mary Parish Library System
Alex P. Allain Memorial Branch
Attn: Ms. Cheryl Cooper
206 Iberia Street
Franklin, LA 70538-4906

St. Tammany Parish Library
Covington Branch
Attn: Ms. Elizabeth Rountree
310 West 21st Street
Covington, LA 70433-2638

Tangipahoa Parish Library
Amite Branch
Attn: Ms. Pat Sledge
739 W. Oak Street
Amite, LA 70422-2524

Terrebonne Parish Library
Attn: Miss Margaret M. Shaffer
424 Roussell Street
Houma, LA 70360

Vermilion Parish Library
Abbeville Branch
Attn: Ms. Jackie Choate
P. O. Drawer 640 - 200 North Street
Abbeville, LA 70511

Assumption Parish
Attn: C. J. Savoie
P. O. Box 518
Napoleonville, LA 70390

Calcasieu Parish Police Jury
Office of Parish Planning and Development
Attn: Pam Sturrock
P. O. Drawer 3287
Lake Charles, LA 70602

Cameron Parish Police Jury
Attn: Tina Horn
P. O. Box 366
Cameron, LA 70361

Iberia Parish Government
Environmental Planning
Attn: Ruth Fontenot
Courthouse Bldg., Suite 310
300 Iberia Street
New Iberia, LA 70560-4587

Jefferson Parish
Attn: Marine Winter
Environmental Impact Officer
1221 Elmwood Park Blvd., Suite 703
Harahan, LA 70123

Lafourche Parish Council
Attn: Roy Francis
CZM Administrator
101 West 112th Street
Cut Off, LA 70345

Alex Theriot & Assoc.
Attn: Alex Theriot, Jr.
P. O. Box 879
Denham Springs, LA 70727-0879

New Orleans City Planning Commission
Attn: Harvey Stern
9th Floor-City Hall Civic Center
1300 Perdido Street
New Orleans, LA 70112

Plaquemines Parish Government
Attn: Rodney Barthelemy
Permit Administrator
Permits Department
P. O. Box 829
Port Sulphur, LA 70083

St. Bernard Parish Planning Commission
Attn: Martha Cazaubon
8201 West Judge Perez Drive
Chalmette, LA 70043

St. Charles Parish Council
Attn: Earl Matherne
P. O. Box 302
Hahnville, LA 70057

St. James Parish Council
Attn: Jody Chenier
Courthouse
P. O. Box 106
Convent, LA 70723

St. John The Baptist Parish
Attn: Patrick McTopy
Chief Administrative Officer
1801 West Airline Highway
LaPlace, LA 70068

St. Martin Parish Council
Attn: Gerard Durand, Jr.
Parish Manager
P. O. Box 9
St. Martinville, LA 70582

St. Mary Parish Council
Attn: Derhyl Hebert
Director of Planning
5th Floor, Courthouse Building
Franklin, LA 70538

St. Tammany Parish
Department of Development
Attn: Brian Fortson
P. O. Box 628
Covington, LA 70434

Tangipahoa Parish
Attn: Jeff Schneider
Rt. 1, Box 210
Loranger, LA 70446

Terrebonne Parish
Attn: Bob Jones
P. O. Box 2768
Houma, LA 70361

Vermilion Parish Police Jury
Attn: Michael Bertrand
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Abbeville, LA 70511-0430

Mr. Frank Deffes, Chief
La. Dept. of Health and Hospitals
Office of Public Health
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La. Dept. of Environmental Quality
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Baton Rouge, LA 70884

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Consolidated Farm Services Agency
U. S. Dept. of Agriculture
3737 Govt. St.
Alexandria, LA 71302

Mr. Paul Coreil
Wetland & Coastal Resources
La. Cooperative Extension Service
P. O. Box 25100
Baton Rouge, LA 70894-5100

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La. Dept. of Transportation & Development
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Baton Rouge, LA 70804-0245

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U. S. Fish and Wildlife Service
825 Kaliste Saloom Rd.
Brandywine II, Suite 102
Lafayette, LA 70508

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Office of Forestry
La. Dept. of Agriculture and Forestry
P. O. Box 1628
Baton Rouge, LA 70821-1628

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New Orleans, LA 70160

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Office of State Parks
La. Dept. of Culture, Recreation and Tourism
P. O. Box 44426
Baton Rouge, LA 70804-4426

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Thibodaux, LA 70310

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3737 Govt. St.
Alexandria, LA 71302

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Habitat Conservation Division
c/o Louisiana State University
Baton Rouge, LA 70803-7535

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Office of Soil and Water Conservation
La. Dept. of Agriculture & Forestry
P. O. Box 3554
Baton Rouge, LA 70821-3554

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La. Dept. of Wildlife and Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9800

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Injection and Mining Division
Office of Conservation
LA Dept. of Natural Resources
P. O. Box 94396
Baton Rouge, LA 70804-9396

Captain J. W. Calhoun, Commander
Eighth Coast Guard District
501 Magazine St.
New Orleans, LA 70130-3396

U. S. Army Corps of Engineers
Galveston District
P. O. Box 1229
Galveston, TX 77553
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8982 Darby Ave.
Baton Rouge, LA 70806

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USDA/Agricultural Research Service
Soil and Water Research
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Baton Rouge, LA 70894-2507

Ascension Sportsmen's League
Attn: Virgil J. Bourque
13225 Petite Dr.
Maurepas, La 70449

Audubon Society Orleans Chapter
P.O. Box 4162
New Orleans, La 70178-4162

Calcasieu League for Environmental
Action Now
Attn: Marvin Harger
366 West Rd
Sulphur, La 70663

Citizens for a Clean Tangipahoa
Dr. Robert Hastings, President
Southeastern Louisiana University
Department of Biological Sciences
P.O. Box 814
Hammond, La 70402

Coalition to Restore Coastal Louisiana
Attn: Ann Burruss, Science and Technology Director
8841 Highland Rd
Suite C
Baton Rouge, La 70808

Gulf Coast Conservation Association
P.O. Box 373
Baton Rouge, La 70821

Gulf Coast Tenants Association
1866 N. Gayoso
New Orleans, La 70119

Lake Maurepas Society
Attn: Joe Sims
P.O. Box 458
Hammond, La 70404

League of Women Voters, (Lafayette area)
Attn: Ms. Clara Baudoin
1207 Mardi Gras
Carencro, La 70520

Louisiana Environmental Action Network
Attn: Ms. Mary Lee Orr
P.O. Box 66323
Baton Rouge, La 70896

Louisiana Wildlife Federation
Attn: Randy Lanctot, Executive Director
P.O. Box 65239
Baton Rouge, La 70896

The Nature Conservancy
Attn: Lisa Creasman, Director
P.O. Box 4125
Baton Rouge, La 70821

Riverside Coalition for Environmental Education
Attn: Dinah Maygarden, Project Director
The Audubon Institute, Inc.
Louisiana Nature and Science Center
P.O. Box 870610
New Orleans, La 70187-0610

Sierra Club, New Orleans
Attn: Daryl Malek-Wiley, Conservation Chair
616 Adams St.
New Orleans, La 70118

Sierra Club, New Orleans
Attn: Barbara Hodge
509 3rd ave.
Harvey, La 70058

Sierra Club, Acadiana Group (Lafayette)
Attn: Harold Schoeffler, Conservation Chair
3500 E. Simcoe St
Lafayette, La 70501

Tickfaw River Basin Group
Attn: Ben Taylor, President
16152 East Club Deluxe Rd.
Hammond, La 70403

Coastal Concerned Association
Attn: Daniel Shay, President
Rt. 2 Box 64-A
Creole, La 70632

Concerned Crabbers Association
Attn: Victor Griffin, Vice-President
126 West 225th
Golden Meadow, La 70357

Gulf Coast Commercial Fisherman's Coalition
Attn: Tracy Kuhns, Director
P.o. Box 9
Lafitte, La 70067

Lake Pontchartrain Fishermen's Association
Attn: Peter Gerica, President
Rt. 6, Box 285 K
New Orleans, La 70128

Louisiana Oyster Dealers and Growers Association
Attn: Mike Voisin, President
76060 Hidden Oaks Lane
Covington, La 70433

Louisiana Shrimp Association
Attn: Danny Babin, President
2401 Manson Ave., Suite C
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Southwest Louisiana Fishermen's Association
Attn: Phil Cantrell, President
712 Arthur Ave.
Lake Arthur, La 70549

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North Baton Rouge Environmental Association
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Southern University
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Lake Charles, LA

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New Orleans, LA 70125

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Gulf Intercoastal Canal Association
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Mr. Terry Haynes
USDA Forestry Service
New Orleans, LA

Mr. Raymond Just
Tulane Environmental Law Clinic
New Orleans, LA

Ms. Karen Gautreaux
Governor's Office for Coastal Activities
Baton Rouge, LA

Mr. David Richard
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P.O. Box 40
Lake Charles, LA 70602

Mr. Jimmy Johnson
U.S. Fish and Wildlife Service
Southern Science Center
Lafayette, LA

Mr. Doug Bowling
International Paper Co.
Amite, LA

Mr. Ed Fike
Coastal Environments
1260 Main St.
Baton Rouge, LA 70802

Dr. Buck Abbey
Department of Landscape Architecture
LSU
Baton Rouge, LA

AGENCY LEADING OFFICIALS WHO RECEIVED DRAFT DOCUMENT:

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Louisiana Department of Natural Resources

Dr. Ivor van Heerden, Assistant Secretary,
Office of Coastal Restoration & Management
Louisiana Department of Natural Resources

Dr. Len Bahr, Executive Assistant
Governor's Office for Coastal Activities
State of Louisiana

Dr. H. Rouse Caffey, Chancellor
Louisiana State University Agricultural Center

Brad Spicer, Assistant Commissioner
Office of Soil and Water Conservation
Louisiana Department of Agriculture and Forestry

Bob Odom, Commissioner
Louisiana Department of Agriculture and Forestry

Joe L. Herring, Secretary
Louisiana Department of Wildlife and Fisheries

Brigadier General Jude W. P. Patin, Secretary
Louisiana Department of Transportation and Development

William A. Kucharski, Secretary
Louisiana Department of Environmental Quality

Rose V. Forrest, Secretary
Louisiana Department of Health and Hospitals

SECTION E

ATTENDANCE SHEETS AND CARDS OF PUBLIC MEETINGS

LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation and coordination with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

SECTION F

PUBLIC HEARING TRANSCRIPTS INCLUDING COPIES OF VERBAL TESTIMONY RECEIVED AT PUBLIC MEETINGS

LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation and coordination with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

SECTION G

WRITTEN TESTIMONY RECEIVED AT PUBLIC MEETINGS

LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

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**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

SECTION H

WRITTEN COMMENTS RECEIVED AFTER PUBLIC MEETINGS

LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation and coordination with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

SECTION I

PRESS RELEASES

LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation and coordination with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995